

**Notice of Allowability**

Application No.

10/623,436

Applicant(s)

LEE ET AL.

Examiner

Art Unit

Dwayne K. Handy

1743

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/24/2005.
2. ☒ The allowed claim(s) is/are 4 and 6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 4 and 6 allowed.
2. The following is an examiner's statement of reasons for allowance:

In claim 4, applicant has claimed a cuvette comprised of mutually opposing front and back walls and mutually opposing side walls with optical windows connecting the front and back walls. The cuvette also has a closed bottom portion and open top portion. The intersection between the front and back walls and the pair of side walls contains anti-wicking wall fillets. In addition to these features, **the fillets are curvilinear tapers that form a variable blend radius between the walls.** The fillets are shown as element 86 in the Figures. The variable blend radius increases from the lower section of the cuvette to the top section. This is shown in Figure 7A with  $R_x$  being the radius of curvature in the lower section and  $R_z$  being the radius of curvature in the top section.

In claim 6 applicant has claimed a cuvette comprised of mutually opposing front and back walls and mutually opposing side walls with optical windows connecting the front and back walls. The cuvette also has a closed bottom portion and open top portion. The intersection between the front and back walls and the pair of side walls contains anti-wicking wall fillets. In addition to these features, the uppermost interior portions of the front and back walls form a downwardly sloped inward chamfer. The chamfer is **sloped inward at about a 15 degree angle and extends from the top of**

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**the cuvette downwardly a distance that is approximately equal to the thickness of the walls.** This feature is shown as element 85 in Figures 9 and 10.

The Examiner considers the features in bold above to be the features that distinguish the instant claims over the prior art Baldszun. Baldszun teaches a transparent cuvette. The cuvette is comprised of two pairs of opposing walls. The opposing walls are connected in a manner that provides a blending, curved surface between the walls (Figures 5 and 6). Baldszun does not, however, teach or suggest a curved surface having a variable blend radius. The blend radius in Baldszun is constant. Baldszun also does not teach an inwardly sloped chamfer at the top of the cuvette.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horne (3,998,594) teaches a cuvette. Johnston et al. (3,554,705) shows a chemical package.

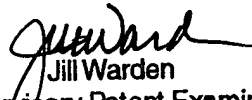
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K. Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKH  
September 2, 2005

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700